

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SPRING AWAKENING, LLC,

Plaintiff,

- against -

CERTAIN UNDERWRITERS AT  
LLOYDS, LONDON,

Defendant.

**ORDER**

22 Civ. 5195 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

The conference currently scheduled for January 26, 2023, is adjourned to **February 3, 2023 at 2:00 p.m.** in Courtroom 705 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York.

Defendant states in its pre-motion letter that “the Policy clearly shows that consequential damages were not contemplated by the parties at the time of contracting,” but Defendant does not cite the relevant provisions in the Policy. (Def. Ltr. (Dkt. No. 64) at 3) Defendant will file a supplemental letter by **January 30, 2023 at 12:00 p.m.** addressing: (1) what provisions in the Policy demonstrate that coverage for consequential damages was not contemplated by the parties; and (2) how the Policy’s treatment of consequential damages relates to Plaintiff’s second cause of action for breach of the implied covenant of good faith and fair dealing. Defendant will also explain why Plaintiff’s punitive damages claim should be dismissed at this stage in the proceedings. Defendant’s arguments must be supported by citations to cases

governed by New York law involving disputes over insurance coverage. Plaintiff will submit a response to Defendant's letter by **February 2, 2023, at 12:00 p.m.**

Dated: New York, New York  
January 25, 2023

SO ORDERED.

A handwritten signature in cursive script, reading "Paul G. Gardephe", written in black ink.

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Paul G. Gardephe  
United States District Judge